IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 21968 of 1999

Dated: 10.04.2007

Between:
1.T.Raj Kishore Sing, S/o Bajrang Singh, 35 years,
R/o H.No.3-1-45, Nethaji Nagar, Sangareddy,
Medak District and 8 others

..... PETITIONERS

AND

1.The Andhra Pradesh Housing Board represented
by its Chairman, Nampally, Hyderabad
and 3 others
….RESPONDENTS

-
-
-
-
-

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.21968 of 1999

ORDER:

-

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in increasing the cost of the MIG houses allotted to the petitioners at Sangareddy site-1 phase-II (Pothireddipalli) from Rs.42,000/- to Rs.1,08,000/-, as illegal and arbitrary.

It is the case of the petitioners that they were allotted MIG H.Nos.53, 50, 137, 117, 90, 76, 89, 118 and 165 respectively at Sangareddy site-I phase-II at Pothireddipalli, Medak District. The A.P. Housing Board called for applications through a Notification on 18.09.1980 from the General Public for construction of houses and the estimated cost of the houses was Rs.42,000/- and Rs.1,000/- towards application/registration charges. The notification also stated that the houses would be completed within a period of two years from the date of acquisition of land. It is alleged by the petitioners that the respondents have delayed the construction and on the other hand, they enhanced the cost of the houses at Rs.1,08,000/- in the year 1991. They submit that they have already paid certain amounts ranging from Rs.30,000/- to Rs.40,000/- in the initial stage itself and the Executive Engineer, A.P. Housing Board, Hyderabad, has

issued notification dated 31.01.1998 by which the allottees were informed that the allotment made in their favour would be cancelled if they do not occupy the houses. The main grievance of the petitioners is that enhancement of the cost of the houses was arbitrary and it was demanded after so many years, although the authorities promised to complete the construction and hand over the houses within two years of acquisition.

A counter-affidavit has been filed by 3rd respondent in which it is stated that in the year 1980 the houses were allotted to the petitioners and others and the tentative cost of each house was fixed at Rs.42,000/-, which was enhanced to Rs.1,08,000/- because of hike in prices of materials and other factors. Although the houses were complete in all respects, since the ground water level which hitherto covered the area of 180 MIG houses has gone down, possession of houses could not be handed over to the allottees. The matter was taken up with the Government and also Hyderabad Metropolitan Water Supply and Sewerage Board to ensure that water is supplied to the houses during January 1995 and paid an amount of Rs.23 lakhs towards costs of lines and Rs.6 lakhs towards security deposit for bulk supply of water to the entire phase I and II houses at Pothireddypally site. It is further stated that all the petitioners except the 4th petitioner have paid the instalments in terms of the Regulations and accepted the cost fixed by the respondent-Housing Board. Therefore, there is no cause survived in this writ petition, which may be dismissed.

Heard both sides.

The learned counsel for the respondents submits that the cost of the houses was enhanced because of hike in prices of materials and other charges incurred for providing water to the colony and it was necessitated for better living of the allottees and without providing those facilities, it would be difficult for them even to live in those houses and it was made for the benefit of the allottees. He further submits that all the petitioners except the 4th petitioner have accepted the enhanced cost of the houses.

There is no much challenge to the aforesaid submissions from the learned counsel appearing for the petitioners. Having regard to the same, I feel that no cause survives in this writ petition, which is liable to be dismissed.

Accordingly the writ petition is dismissed. No costs.

_____

(GOPALA KRISHNA TAMADA, J)

10-04-2007
Gsn.